

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended Claims 1-5, 12-16 and 22; Claims 23-30 have been withdrawn. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-22 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections - Claims**

The Examiner objected to Claims 12-21 because of informalities. Again, the Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claim to correct the informalities. The Examiner's consideration of the amended claim is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1-6, 12-17, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Niemela et al. (US 2002/0003783) in view of Stuckmann et al. The Applicant respectfully traverses the Examiner's rejection and has further amended the claims to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. The Examiner's favorable reconsideration in view of the above amendments and the following remarks is respectfully requested.

The present application discloses and claims an invention that reduces or even eliminates the need to reallocate substreams for a mobile call connection by determining and allocating the "highest number of substreams" to be used for data in a mobile radio connection. While monitoring the quality of a radio interface, if there is a need to adjust the connection to use a fewer substreams due to poor radio interface condition, in accordance with the teachings of the present invention, any allocated substreams that have become unused are nevertheless retained during the duration of that mobile connection. The retained substreams could later then be used in the event

the quality of the radio interface later improves without reallocating new substreams or interrupting the TRAU frame synchronization at the BSC and BTS nodes.

In that regard, the Applicant respectfully submits that Niemela fails to anticipate or render obvious the step of “**determining the highest number of substreams to be used for data in said mobile radio connection**” as recited by now pending independent Claim 1. As a matter of facts, Niemela actually teaches away from the present invention by disclosing that it instead allocates “**fixedly a certain number of transmission channels to base-station-specific operations**” in order to prevent the Abis interface transmission capacity from being wasted (Niemela, paragraph 12). Accordingly, there is nothing in Niemela that discloses or teaches the recited step of “allocating the highest number of substreams for a particular mobile radio connection” and then retaining any unused substreams even if the mobile radio connection requires a fewer number of substreams. As fully disclosed in the application, by retaining such additional unused substreams, in the event the mobile radio connection later requires additional substreams, no further substream allocation or frame synchronization needs to be performed causing any unwanted interruptions or delays.

Regarding the Stuckmann reference, the Examiner cited portion of Stuckmann merely describes the function of Link Quality Control (LQC) within an EGRPS system and the performance comparison of EGPRS vs. GPRS and has nothing to do with determining and allocating the “**highest number of substreams to be used for data in a mobile radio connection**” and then **retaining any unused substreams in the event the mobile radio connection actually uses a fewer number of substreams due to its poor quality of radio interface**.

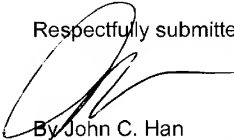
Therefore, the Applicant respectfully submits that independent Claim 1 and its dependent claims are in condition for allowance. For at least similar reasons as stated above, independent Claim 12 and its dependent claims are further in condition for allowance. The Examiner's favorable reconsideration is therefore respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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